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Response to office action for patent application #09,752,365, Weinstein et al.

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Technology Center 2600

Assistant Commissioner of Patents
Washington, DC 20231

Re: Office action dated 1/27/03 regarding U.S. patent application number 09/752,365

Dear Sirs:

Pursuant to phone calls to the patent assistance center for information on the required form of this response, we are submitting this letter and attachments (along with a check for \$205 for extension for response within second month) in response to the office action dated 1/27/2003 (copy attached) regarding U.S. patent application number 09/752,365.

Per the instructions from the Patent Assistance Center, we have attached an edited copy of the patent application claims with deleted words and claims crossed out and additions underlined (standard Microsoft Word "track changes" format).

The prior art uncovered by the examiner has been found significant enough to merit a re-write of most of the claims in the application. Accordingly, claims 1, 7-9, 15, 22-23, 31, 38, 42, 46, 51, 53, 59, 61, 66-68, 71-73, and 75 have been re-written, and claims 2-6, 12, 14, 16-21, 24, 26, 28, 39, 45, 52, 55-58, 62, 64-65, 69-70, and 76 are hereby cancelled. We agree with some of the examiner's interpretation of the prior art, but differ with some of the examiner's interpretation of the prior art, as elaborated below. Some of these differences in interpretation of the prior art are important in establishing the basis for the new claims.

In item 1, the examiner points out that claim 46 was erroneously written as dependent upon itself. This error has been corrected.

In item 2, the examiner sites Glenn (U.S. patent #5,907,677 as prior art in several respects). The examiner interprets Glenn as teaching multiple outbound telephone calls. Actually Glenn teaches two methods of establishing an anonymous call. In the first method, both parties dial a toll-free number and enter codes by hand. In the second method, only one party dials the toll-free number, and the invention places a single outbound telephone call to the second party. Both of these methods are taken straight from the (Solomon, et al.) prior art cited in the Glenn patent references. The fundamental innovation of Glenn over Solomon is not in how an anonymous call is set up, but rather in the function of Glenn's invention which maintains data on multiple customers and suggests possible compatible anonymous call partners to customers. This point is mute, however, because another patent document in the prior art provided by the examiner

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(DeSimone, U.S. Patent #6,175,619) does teach the establishment of anonymous telephone communication established through multiple outbound telephone calls triggered through a web-based interface.

The examiner interprets Glenn as teaching "using a website", but Glenn does not teach the use of the website to initiate calls, rather only to provide prospective match information. Again, this point is mute, because DeSimone teaches using the website to establish the actual telephone calls.

Regarding claim 30, the examiner interprets Glenn as prior art because Glenn teaches "using encrypting techniques", and cites column 3, line 43. There appears to be no mention of encryption anywhere in the Glenn patent. There is mention of encryption in some aspects of other patents cited by the examiner, but the phrase "using encrypting techniques" is a vastly broad statement. There are many claims in many issued patents on various encryption techniques and various applications of encryption techniques. Claim 30 is specific in that it claims encrypting the member number of one member consistently in one way when that number is viewed by a second member, and encrypting the same number differently (and again consistently) when it is viewed by a third member. It is not just that the member number is encrypted, it is that if member A gives his version of member B's member number to member C, and member C tries to contact member B, the contact will fail because the way the member number of member B would have to be encrypted to be usable by member C would be different than to be used by member A. This use of encryption (which provides different and consistent encryption for each direction of every pairing of members) provides significant utility, because it prevents one user who has been given contact information effectively passing on to unauthorized third parties the ability to contact someone who has not given those third parties permission to contact them. This feature of the present invention does not appear to be anticipated by Glenn or any of the other prior art cited.

Regarding claims 33-37, the examiner says that Glenn teaches using temporary membership. We are unable to find any reference to temporary membership in the Glenn patent, but one of the other patents provided by the examiner does indeed teach the feature of temporary membership in an anonymous communication agent, so this will now be taken into account as prior art.

In item 3, the examiner observes that the prior art cited, in combination, teaches flexible billing (called party, calling party, or split), settable on a per-call basis, and future scheduling of automatically placed multiple outbound calls. We agree with the examiner that in light of these teachings, it would be obvious to one skilled in the art to apply call scheduling to anonymous calls.

Regarding item 4, we agree with the examiner's observation that the prior art cited, in combination, teaches time limited anonymous conference calls and prepaid anonymous conference calls.

Regarding item 5, we agree with the examiner's opinion that in light of the prior art cited, it would have been obvious to one skilled in the art to modify the teachings of Glenn to include call screening as taught by Tatchell.

Regarding item 6, the examiner observes that prior art teaches offering professional services such as advice via the web. There are indeed many websites that offer professional services over the web. Such services are offered in numerous forms, including non-real-time e-mail, real-time instant messaging, and via telephone calls set up through websites as taught in the prior art the examiner has cited. This was not the essence or point of our claims regarding professional services.

Concerning the marketing of professional services, the present invention offers significant utility above and beyond the prior art cited by the examiner in several important ways, both of which allow those marketing their professional services over the web to reap significantly higher revenues than methods known in the art.

Selling professional services at a fixed rate during times of peak demand inherently under-values the services offered, because at times of peak demand people are willing to pay more (witness the doubling and tripling of the price of many flowers around Valentine's day). By allowing potential customers to bid on professional services in an auction, the provider of the professional services optimizes income from the services provided.

Another way in which the present invention allows providers of professional services to benefit is that it provides means and method for potential customers to sign up for and participate in a group call with the professional service provider. This enables the professional service provider to essentially teach a seminar via telephone to a group audience in such a way that the service provider need do little or no administration, in that the automated interface allows people to sign up and pay, and connects everyone by phone at a pre-determined time. This enables the provider of professional services to earn more per unit time by addressing like needs of a group of people all at once. For instance, a famous surgeon might at once inform of relevant issues many families of people about to undergo heart surgery, where none of those people by themselves would pay a rate worth the expert's time, but where collectively they pay a very good hourly rate for the expert's time.

Combined with the auction feature of the present invention, the feature of the present invention allowing automated sign-up by a plurality of potential recipients of a teleconferenced professional service affords the professional service provider with the opportunity to earn a much better income than would be possible utilizing methods of the prior art.

The claims in the attached edited draft of the patent application have been re-written to protect aspects of the present invention which appear to be novel in light of the prior art.

Sincerely

Lee Weinstein